

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ERIC EPSTEIN,

Plaintiff,

v.

USAA GENERAL INDEMNITY
COMPANY and UNITED SERVICES
AUTOMOBILE ASSOCIATION,

Defendants.

CASE NO. C22-684 MJP

ORDER DENYING MOTION FOR
RECONSIDERATION

This matter comes before the Court on Plaintiff's Motion for Reconsideration, which seeks reconsideration of the Court's Order Granting Defendants' Motion to Dismiss (Dkt. No. 40). (Dkt. No. 42.) Having reviewed the Motion and all supporting materials, the Court DENIES the Motion.

"Motions for reconsideration are disfavored." Local Civil Rule 7(h)(1). "The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or

1 a showing of new facts or legal authority which could not have been brought to its attention
2 earlier with reasonable diligence.” Id.

3 Plaintiff has not identified any manifest error in the Court’s Order. First, Plaintiff recasts
4 his arguments about the interplay between the Washington Law Against Discrimination and the
5 authority of the Office of the Insurance Commissioner that were presented (or could have been
6 presented) in opposition to the Motion to Dismiss. (Compare Mot. at 1-4 with Pl. Opp. at 5-6
7 (Dkt. No. 33).) The Court considered and rejected these arguments and Plaintiff fails to
8 demonstrate any manifest error in the Court’s decision. Second, Plaintiff reargues the issue of
9 whether his requested relief would require the Court to determine the reasonableness of the rates
10 Defendants charge. (See Mot. at 4-6.) The Court carefully considered that issue and Plaintiff fails
11 to identify any manifest error in the Order. (See Order at 7-9.) Third, Plaintiff argues that the
12 Court wrongly concluded that his “deceptive practices” CPA claim ran afoul of the filed rate
13 doctrine. (See Mot. at 8.) But Plaintiff offers no authority to support this argument. The Court
14 carefully considered both of Plaintiff’s CPA claims and his arguments in Opposition. The
15 Court’s Order explained the basis for its conclusion that the filed rate doctrine applies to both
16 CPA claims and Plaintiff has not identified any manifest error in the Court’s determination. (See
17 Order at 7-9.) Given that Plaintiff has failed to identify any grounds for reconsideration, the
18 Court DENIES the Motion.

19 The clerk is ordered to provide copies of this order to all counsel.

20 Dated November 22, 2022.

21 

22 Marsha J. Pechman
23 United States Senior District Judge
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